

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: APPLICATION OF JSC BTA  
BANK FOR AN ORDER TO CONDUCT  
DISCOVERY FOR USE IN FOREIGN  
PROCEEDINGS  
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Case No. 21-Misc. 824 (GHW) (GWG)

**NOTICE OF MOTION AND MOTION TO INTERVENE**

PLEASE TAKE NOTICE, that Ilyas Khrapunov, by and through his undersigned counsel, will move this Court, Hon. Gabriel W. Gorenstein, at the U.S. District Courthouse located at 500 Pearl Street, New York, New York, pursuant to Fed. R. Civ. P. 24(a)(1) for leave to intervene as a respondent in this miscellaneous action, and for such other and further relief as the Court deems just and proper.

**MOTION**

Ilyas Khrapunov (“Applicant”) moves pursuant to Fed. R. Civ. P. 24(a)(1) for leave to intervene on a limited basis in this miscellaneous proceeding to object to the application of JSC BTA Bank for an order to conduct discovery for use in foreign proceedings.

1. Applicant is a resident of Switzerland.
2. Applicant has an interest in the matters that are the subject of this suit, as specifically and particularly set forth in the Ex Parte Application (ECF 1).
3. Applicant is so situated that disposition of this matter without this intervention will, or may as a practical matter, impair or destroy his ability to protect that interest.
4. Applicant’s interest cannot be adequately represented by existing parties.
5. Applicant has standing. *See Application of Sumar*, 123 F.R.D. 467, 471 (S.D.N.Y. 1988) (Leisure, J.); *Fed. Republic of Nigeria v. VR Advisory Servs., Ltd.*, 499 F. Supp. 3d 3, 15 (S.D.N.Y. 2020) (“Respondents have standing to challenge Nigeria’s § 1782 application because

it seeks production of their records”); *Ex parte Abdalla*, No. 20-MC-727 (PKC), 2021 WL 168469 (S.D.N.Y. Jan. 19, 2021); *In re Letter Rogatory from Just. Ct., Dist. of Montreal, Canada*, 523 F.2d 562, 564 (6th Cir. 1975).

Dated: New York, New York  
November 30, 2021

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